

CONGRESSIONAL RECORD SUMMARY

Wednesday, November 28, 2001

SENATE

Measures Introduced:

S. 1737. A bill to provide for homeland security block grants; to the Committee on the Judiciary.
Clinton *Pages S 12100, S 12101-6*

S. 1738. A bill to amend title XVIII of the Social Security Act to *provide regulatory relief, appeals process reforms*, contracting flexibility, and education improvements under the medicare program, and for other purposes; to the Committee on Finance.
Kerry *Pages S 12100, S 12106-7*

S. Res. 184. A resolution expressing the sense of the Senate regarding the use of content labeling for Internet web sites of Senators; to the Committee on Rules and Administration.
Lincoln *Pages S 12100, S 12110*

Measure Reported:

S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections.

Pages S 12100, D 1171

H.R. 10. Comprehensive Retirement Security and Pension Reform Act:

Senate continued consideration of the motion to proceed to consideration of H.R. 10, to provide for pension reform.

Pages S 12065-7, S 12075-96, D 1171

"... I ask unanimous consent that the Las Vegas Sun editorial entitled 'Tough Talk, But Bereft of the Facts' be printed in the Record. There being no objection, the material was ordered to be printed in the Record: [From the Las Vegas Sun, Nov. 25, 2001--Tough Talk, But Bereft of the Facts] 'Republicans are complaining that President Bush's nominees for federal judgeships haven't received a fair shake from the Democratic-controlled Senate. The Republicans say that Sen. Patrick Leahy, D-Vt., chairman of the Judiciary Committee, isn't holding hearings promptly and isn't taking votes fast enough on the nominations. [] Some serious accusations and harsh words from Republicans, but they simply don't stand up to the facts. As of mid-November in the first year of Bush's presidency, 17 of his nominees had been approved. At the same point in the first year of Clinton's presidency, the Senate had confirmed only eight judges. By mid-November of 1989, the first year of the elder Bush's presidency, only 10 judges had been confirmed by the Senate. So Leahy actually is ahead of the pace when comparing the Senate's speed in handling nominees from previous administrations' first year in office.'..." (Reid, Page S 12079)

H.R. 10. Comprehensive Retirement Security and Pension Reform Act (Cont'd.):

"...I would suggest this: If we have time to take a timeout from consideration of the stimulus package to do other things, then our first priority should be--again, if we are going to be bipartisan now--to act on the President's nominees. He has asked us repeatedly to do that. Of course, this is not to mention his judicial nominations. We now have over 100 nominations pending for vacancies on our courts, 40 of which are denominated emergencies, yet we take up no judges. Again, if we have time to call time-out from our consideration of the stimulus package, we sure as heck have time to take up some of these judicial nominations..." (Kyl, Page S 12092)

"... Now they have the theory that the reason Senator Leahy is not moving forward is we don't want people to go to the Supreme Court. There is a basic rule we have that you don't have to be a district court judge or appellate judge to become a member of the Supreme Court; Rehnquist wasn't, the Chief Justice, for whom I have great respect. I think he is a great guy. He said the reason we are not moving forward is that a Hispanic judge is going to be promoted. I thought Judge Gonzalez, the President's chief lawyer at the White House, was going to be the next nominee to the Supreme Court. They should get their stories straight..." (Reid, Page S 12094)

A unanimous-consent-time agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at 9:00 a.m., Thursday, November 29, 2001, with a vote on a motion to close further debate on the motion to proceed to consideration of the bill to occur at approximately 10 a.m.

Pages S 12066-7, D 1171

Nomination Received:

Senate received the following nomination:

Francis L. Cramer III, of New Hampshire, to be a Judge of the United States Tax Court for a term expiring fifteen years after he takes office.

Pages S 12112, D 1171

Committee Meeting:

Committee on the Judiciary: Committee held hearings to examine the Department of Justice's response to the September 11 attacks and implementation of the USA Patriot Act (P.L. 107-56), and certain Administration actions and proposals, including chartering military tribunals and permitting attorney-client communications monitoring.

Page D 1172

Committee Meeting For Thursday, November 29, 2001:

Committee on the Judiciary: @ 10:00 a.m. Business meeting to consider subcommittee membership; S. 986, to allow media coverage of court proceedings; S. 304, to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs; and pending nominations. SD-226.

Page D 1175

HOUSE

Bills Introduced:

H.R. 3357. A bill to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Armey

Page H 8563

H.R. 3364. A bill to provide for premium assistance for COBRA continuation coverage for certain individuals and to permit States to provide temporary Medicaid coverage for certain uninsured employees; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Goode

Page H 8564

H.R. 3366. *A bill to reduce traffic congestion, promote economic development, and improve the quality of life in the metropolitan Washington region; to the Committee on Transportation and Infrastructure.*

Moran

Page H 8564

H.R. 3368. A bill to *amend the Fair Credit Reporting Act with respect to statute of limitations on actions*; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Schakowsky

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H.R. 3369. A bill to *amend the Fair Credit Reporting Act to provide that the statute of limitations begins to run when a violation is first discovered by a consumer*; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Shadegg

Page H 8564

H.R. 3371. A bill to amend the Federal Advisory Committee Act to *establish public disclosure requirements* for working groups of advisory committees; to the Committee on Government Reform.

Waxman

Page H 8564

Report Filed:

Report was filed today as follows:

H. Res. 297, providing for consideration of **H.R. 3210**, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism (House Report 107-304).

Pages H 8563, D 1172

H.R. 3338. Department of Defense Appropriations and Emergency Supplemental:

The House passed H.R. 3338, making appropriations for the Department of Defense for the fiscal year ending September 30, 2002 by a yeas and nays vote of 406 yeas to 20 nays, Roll No. 458.

Pages H 8431-H 8551, D 1172

H.R. 3338. Department of Defense Appropriations and Emergency Supplemental (Cont'd.):

See Pages H 8481-3: CHAPTER 2—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES.

See Page H 8482: THE JUDICIARY

Supreme Court of the United States care of the building and grounds

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Care of the Building and Grounds", \$10,000,000, to remain available until expended...

Courts of Appeals, District Courts, and Other Judicial Services salaries and expenses

For an additional amount for "Salaries and Expenses", to respond to the September 11, 2001 terrorist attacks on the United States, \$82,921,000, to remain available until expended...

Court Security

For an additional amount to respond to the September 11, 2001 terrorist attacks on the United States, for "Court Security", \$90,700,000, to remain available until expended, of which \$4,000,000 shall be available to reimburse the United States Marshalls Service for a Supervisory Deputy Marshal responsible for coordinating security in each judicial district and circuit...

Administrative Office Of the United States Courts salaries and expenses

For an additional amount for "Salaries and Expenses", to respond to the September 11, 2001 terrorist attacks on the United States, \$2,879,000, to remain available until expended...

"... After 9-11, we asked every agency that came before our subcommittee to come in and tell us what the needs are based on what took place with regard to 9-11. The INS has been increased by \$1.1 billion over last year. In the regular bill we have funded 570 additional Border Patrol agents and 348 additional land border inspectors. The INS, in the regular bill, was funded for a total of \$5.6 billion and, in addition to the regular bill, we are providing \$409 million for INS through the supplemental. That is an increase over last year over \$1.1 billion..." (Wolf, Page H 8497)

*"... September 11 woke Congress up to who its own first responder is. It is the emergency personnel of the District of Columbia. Sure, they are responders for 600,000 residents who live here, but they are also responders for hundreds of thousands of Federal employees, for the Congress, for the **Supreme Court**, for the entire Federal presence. There are two cities here joined at the hip, and both are dependent on police, fire and emergency help from the District of Columbia, for which those personnel are dangerously under-prepared. [] It is folly to delay this funding, my colleagues. Look at the kinds of things that are being funded. Personal protective equipment and chemical and biological detection equipment for D.C.'s police and fire personnel. Why? Because we cannot expect personnel to go into terror and bioterror sites unprotected. Would we not be reluctant? Antidote kits for nerve agents. First response land line communications..." (Norton, Page H 8498)*

*"... People say, well, do other States not want to give to New York? Yes, I have people in Massachusetts who want to give to New York, but they are not the unemployed. This is not a case of one State to another. This is a case of going to the very poorest people, the people who have also been hurt. This is victimology, comparative victimology. [] I am not defending Massachusetts. I do not believe in State sovereignty. I am not one of those five Members of the **Supreme Court** who is trying to rewrite the Constitution to dismantle the Union. I am not here defending a corporate State called Massachusetts. I am here talking about people who may have lost their health care in Massachusetts, Wyoming or anywhere else. I am talking about people who have been thrown out of work. They are the ones, those who voted for this rule, and I know, they went through the dance, they voted present for a while, and, great suspense, the members of the Committee on Appropriations voted present. We held our breath, the world wondered what would happen; and surprise, surprise, they caved in..." (Frank, Page H 8544)*

H.R. 3338. Department of Defense Appropriations and Emergency Supplemental (Cont'd.):

Pursuant to the rule the amendment printed in H. Rept. 107-303 and dealing with additional emergency relief and recovery provisions resulting from the September 11, 2001 terrorist attacks on the United States was considered as adopted.

Pages H 8457, D 1173

Agreed To:

Inslee amendment that makes available an additional \$250 million for aircraft passenger and baggage screening activities by \$250 million;

Pages H 8516-19, D 1173

Hyde amendment that prohibits any funding to provide support or assistance to the United Nations International Criminal Court or to any criminal investigation or other prosecutorial activity of the International Criminal Court.

Pages H 8547-8, D 1173

Withdrawn:

Kucinich amendment No. 6 printed in the Congressional Record of Nov. 27 was offered but subsequently withdrawn that sought to increase funding for counter-terrorism programs by \$289 million and decrease funding for the Ballistic Missile Defense facilities by \$786 million.

Pages H 8477-8, D 1173

LaTourette amendment was offered but subsequently withdrawn that sought to strike section 801 dealing with the acquisition of buildings and facilities in response to an emergency situation;

Pages H 8515-16, D 1173

Manzullo amendment was offered but subsequently withdrawn that sought to strike section 201;

Pages H 8523, D 1173

LoBiondo amendment was offered but subsequently withdrawn that sought to make available an additional \$60 million for Coast Guard ports and waterway security and counter-terrorism programs; and

Pages H 8536-9, D 1173

Jackson-Lee amendment was offered but subsequently withdrawn that sought to make available \$5 million for enforcement of the section 212(a)(1) of the Immigration and Nationality Act dealing with health conditions and infectious diseases at U.S. borders.

Pages H 8549-50, D 1173

Points of Order Sustained Against:

Filner amendment that sought to make up the difference between a Federal employee's civilian pay and military pay when the employee is serving on active duty as a Reserve or National Guard member.

Sustained the ruling of the Chair as a judgement of the Committee by a recorded vote of 275 ayes to 141 noes, Roll No. 456. (Earlier, Representative Filner demanded the vote pending the absence of a quorum, and, subsequently 409 members recorded their presence, Roll No. 455);

Pages H 8475-7, D 1173

Obey amendment that sought to substitute next text for Division B-- Fiscal year 2002, Supplemental Appropriations, and increase funding for anti-terrorism programs, nuclear non-proliferation, and homeland protection initiatives;

Pages H 8480-H 8505, D 1173

Filner amendment No. 3 printed in the Congressional Record of Nov. 1 that sought to make available \$20 million for the hiring of additional inspectors for the United States-Mexico border to respond to increased security needs;

Pages H 8514, D 1174

H. Res. 296, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 216 yeas to 211 nays with 1 voting "present," Roll No. 454.

Pages H 8441, D 1174

Committee Meetings:

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit approved for full Committee action, as amended, **H.R. 1701**, Consumer Rental Purchase Agreement Act.

Page D 1174

Committee on Rules: Granted, by a record vote of 8 to 0, with 3 voting present, a modified closed rule providing 1 hour of debate in the House on **H.R. 3210**, **Terrorism Risk Protection Act**. The rule provides

that, in lieu of the amendments recommended by the Committee on Financial Services and the Committee on Ways and Means, ***an amendment in the nature of a substitute consisting of the text of H.R. 3357 shall be considered as adopted.*** The rule waives all points of order against consideration of the bill as amended. The rule provides for consideration of the amendment in the nature of a substitute printed in the Rules Committee report accompanying the resolution, if offered by Representative LaFalce or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent. The rule waives all points of order against consideration of the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions.

Pages D 1174-5

Committee Meetings For Thursday, November 29, 2001:

Committee on International Relations, @ 11:00 a.m. Hearing on Implementation of the Trafficking Victims Protection Act. 2172 Rayburn.

Committee on the Judiciary, @ 10:00 a.m. Subcommittee on Courts, the Internet and Intellectual Property, oversight hearing on “The Operations and Federal Judicial Misconduct and Recusal Statutes.” 2141 Rayburn.

Committee on the Judiciary, @ 2:00 p.m. Subcommittee on Crime, hearing on the following bills: **H.R. 556**, Unlawful Internet Gambling Funding Prohibition Act; and **H.R. 3215**, Combating Illegal Gambling Reform and Modernization Act. 1137 Rayburn.

Page D 1175

Joint Committee Meeting For Thursday, November 29, 2001:

Conference: @ 3:00 p.m. Meeting of conferees on **H.R. 2299**, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002. H-140, Capitol.

Page D 1175

Remarks:

Hate Crimes Prevention Act.

Conyers

Page E 2150

Metropolitan Washington Regional Transportation Act. (**H.R. 3366**)

Moran

Pages E 2153-4

Remarks (Cont’d.):

Introduction Of The Federal Advisory Committee Transparency Act Of 2001–The F.A.C.T. Act. (H.R. 3371)

“...I am pleased to join today with Congressman Henry Waxman, the Ranking Member of the Government Reform Committee, to introduce legislation that will require the President's Commission on Social Security to keep their meetings free and open to the public. The Federal Advisory Committee Act (FACA), which governs the President's Social Security Commission, requires all meetings to be open to the public. However, under guidance issued quietly by the General Services Administration last summer, this Commission and others governed by FACA have been allowed to meet in secret subgroups. This was never

the intention of FACA. The F.A.C.T. Act will close this loophole...”

Matsui

Page E 2157

The Federal Advisory Committee Transparency Act. **(H.R. 3371)**

Waxman

Pages E 2160-1

Military Order Of The President.

“... Under this military order the President declared an ‘extraordinary emergency’ that enables him to order military tribunals for suspected international terrorists and their collaborators, bypassing the American criminal justice system, its rules of evidence and its constitutional guarantees. [] Furthermore, failure to subject suspected terrorists to the Constitutionally-based American system of justice will cause America to lose moral standing in the world. For years the State Department has strongly opposed the use of secret courts in countries such as Russia, China, Egypt, Peru--and Columbia. Just this summer China held secret trials of several US based scholars on espionage charges. One of the scholars was a U.S. citizen and another two were U.S. permanent residents. We demand full due process for Americans charged with a crime in a foreign country and we should not set a different standard for our non-citizens...”

Kucinich

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Next SENATE MEETING: Thursday, 9:00 a.m., November 29, 2001.

Next HOUSE MEETING: Thursday, 10:00 a.m., November 29, 2001.

OLA: S. Schwarz (Smith)